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5 Attorneys for Defendants
6 MERRITT COLLEGE
and SHIRLEY MACK

ORIGINAL
FILED

OCT 12 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMC

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

C 07 5227

9 ELIZABETH SANTOS

CASE NO.

10 Plaintiff,

11 CERTIFICATE OF SERVICE OF
NOTICE TO ADVERSE PARTY OF
REMOVAL TO FEDERAL COURT

12 vs.

13 MERRITT COLLEGE, SHIRLEY MACK, an
individual and DOES 1-10, inclusive

14 Defendants.

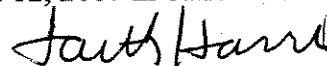
15
16 I, Faith Harris, certify and declare as follows:

17 I am over the age of 18 years and not a party to this action

18 My business residence is Gordon & Rees LLP, 275 Battery Street, 20th Floor, San
19 Francisco, California 94111, which is located in the city, county and state where the mailing
20 described below took place.

21 On October 12, 2007 I caused to be mailed to the adverse party at the Law Offices of
22 Bomark-Noel, 1124 East 14th Street, Suite B, San Leandro, California 94577 a copy of the
23 Notice to State Court and Adverse Party of Filing of Notice of Removal to Federal Court dated
24 October 12, 2007, a copy of which is attached to this certificate.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed on October 12, 2007 in San Francisco, California

27 

28 Faith Harris

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

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9 MERRITT COLLEGE
10 and SHIRLEY MACK

11 **EXEMPT FROM FILING FEES**
12 **(GOV. CODE § 6103)**

13 SUPERIOR COURT OF CALIFORNIA - COUNTY OF ALAMEDA
14 HAYWARD BRANCH

15 ELIZABETH SANTOS

16 Plaintiff,

17 vs.

18 MERRITT COLLEGE, SHIRLEY MACK, an
19 individual and DOES 1-10, inclusive

20 Defendants.

CASE NO. HG 07 335828

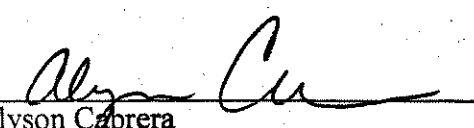
NOTICE TO STATE COURT AND
ADVERSE PARTY OF FILING OF
NOTICE OF REMOVAL TO FEDERAL
COURT

21 PLEASE TAKE NOTICE that, on or about October 12, 2007, defendants MERRITT
22 COLLEGE and SHIRLEY MACK filed their Notice of Removal to Federal Court Pursuant to 28
23 U.S.C. § 1441(b) ("Notice of Removal") in the Office of the Clerk of the United States District
24 Court for the Northern District of California. A copy of the Notice of Removal, without exhibits,
25 is attached.

26 Dated: October 9, 2007

GORDON & REES LLP

By:


Alyson Cabrera
Attorneys for Defendants
MERRITT COLLEGE and SHIRLEY
MACK

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275 Battery Street, Suite 2000
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Attorneys for Defendants
 MERRITT COLLEGE
 and SHIRLEY MACK

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH SANTOS

Plaintiff,

vs.

MERRITT COLLEGE, SHIRLEY MACK, an
 individual and DOES 1-10, inclusive

Defendants.

CASE NO.

NOTICE OF REMOVAL OF ACTION
 UNDER 28 U.S.C. § 1441(b)
 (FEDERAL QUESTION)

Request For Jury Trial

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants MERRITT COLLEGE and SHIRLEY MACK
 hereby remove to this Court the state court action described below.

1. On July 16, 2007, an action was commenced in the Superior Court of the State of
 California in and for the County of Alameda, entitled *Elizabeth Santos v. Merritt College,*
Shirley Mack, et al., as Case No. HG 07 335828. On September 13, 2007, Plaintiff filed an
 Amended Complaint in Case No. HG 07 335828.

2. Plaintiff's Amended Complaint alleges causes of action based upon "violation of
 42 U.S.C. § 1981.19" against these removing Defendants. Attached hereto are copies of the
 pleadings filed in this action.

3. This action is a civil action of which this Court has original jurisdiction under 28
 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the

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 275 Battery Street, Suite 2000
 San Francisco, CA 94111

1 provisions of 28 U.S.C. § 1441(b) in that it arises under "42 U.S.C. § 1981.19." This Court has
2 supplemental jurisdiction over Plaintiff's state law claims, pursuant to 28 U.S.C. § 1367(a), as
3 these claims appear to arise out of the same case or controversy.

4 4. All Defendants in this action consent to this Notice of Removal.

5 5. A copy of this Notice of Removal, without exhibits, is being filed with the Clerk
6 of the Superior Court of the State of California in and for the County of Alameda.

7 6. A copy of this Notice of Removal, without exhibits, is also being served on
8 plaintiff.

9
10 Dated: October 9, 2007

GORDON & REES LLP

11 By: 

Alyson Calrera
Attorneys for Defendants
MERRITT COLLEGE and SHIRLEY
MACK

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon & Rees LLP 275 Battery Street, Suite 2000, San Francisco, CA 94111. On October 12, 2007, I served the within documents:

Notice to State Court and Adverse Party of Filing of Notice of Removal to Federal Court

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Francisco, addressed as set forth below.

Kjell C. Bomark-Noel
Law Offices of Bomark-Noel
1124 East 14th Street, Suite B
San Leandro, CA 94577

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 12, 2007, at San Francisco, California.


Faith Harris

Santos v. Merritt College, et al.
Alameda County Superior Court Case No. HG 07 7335828